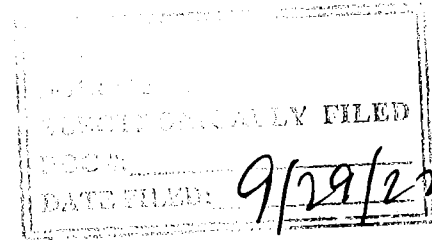


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
COLOMBIA BALLENIILLA NUNEZ,  
Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,  
Defendant.  
-----X



**ORDER**

21 CV 10622 (VB) (AEK)

By Order dated December 13, 2021, (Doc. #6), the Court referred this case to Magistrate Judge Andrew E. Krause for a report and recommendation.

Also on December 13, 2021, the Court ordered the parties to discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before Judge Krause, and to either file an executed consent form or a letter indicating the parties do not consent by February 11, 2022. (Doc. #7). When defense counsel did not do so by February 11, on February 16, 2022, the Court sua sponte extended defense counsel's time to respond to March 2, 2022. (Doc. #10). On March 3, 2022, the Court again sua sponte extended defense counsel's time to respond to March 16, 2022. (Doc. #11).

On March 15, 2022, defense counsel filed a letter informing the Court she had attempted to reach plaintiff, who, at the time, was proceeding pro se, but had been unable to obtain consent to proceed before Judge Krause. (Doc. #13).

On August 12, 2022, Gerald Williams, Esq., appeared for plaintiff in this action. (Doc. #18). By October 13, 2022, counsel for the parties shall either (i) file a joint letter with the Court, with an attached fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, the blank form for which was attached to the December 13, 2021, Order (and also available at <https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf>); or (ii) file a letter advising the Court the parties do not consent, but without disclosing the identity of the party or parties who do not consent. Also attached hereto is an information sheet regarding a consent to proceed before the magistrate judge. The parties are free to withhold consent without negative consequences.

Dated: September 29, 2022  
White Plains, NY

SO ORDERED:

Vincent L. Briccetti  
United States District Judge

# UNITED STATES DISTRICT COURT

for the

Plaintiff	)	
v.	)	
Defendant	)	Civil Action No.

## NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

Printed names of parties and attorneys	Signatures of parties or attorneys	Dates

### Reference Order

**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

\_\_\_\_\_

*District Judge's signature*

\_\_\_\_\_

*Printed name and title*

**Note:** Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.



United States District Court  
Southern District of New York

**UNITED STATES MAGISTRATE JUDGES:  
REFERRALS AND CONSENTS**

All cases in the Southern District of New York are assigned to two judges: a district judge and a magistrate judge. District judges are appointed for life terms by the President. Magistrate judges are selected by a majority vote of the district judges in the particular district and serve terms of eight years.

**Referrals to the Magistrate Judge:** The district judge assigned to your case may refer the case to a magistrate judge for specific purposes. Commonly, the referral will be for the magistrate judge to conduct the proceedings that occur before trial, such as resolving discovery disputes or presiding over settlement conferences. A referral may also be made for the magistrate judge to issue to the district judge a report and recommendation on how to resolve a motion, such as a motion to dismiss or a motion for summary judgment. The consent of the parties is not needed for the district judge to refer the case to the magistrate judge for these purposes. If the district judge has made such a referral, you can ask the district judge to review any magistrate judge's decision by filing an objection with the district judge within fourteen days of that decision. The district judge will rule on any timely objections that you file. If you do not file an objection, you will give up your right to challenge the magistrate judge's decision at a later time, including on appeal. *See* Federal Rule of Civil Procedure 72.

**Consent to Proceed Before the Magistrate Judge:** If you would like your case to move more quickly, it is helpful to consent to proceed before the magistrate judge for all purposes, including any trial. If all parties consent, the magistrate judge will perform the identical function that the district judge would have performed. Any trial in your case would be either a jury or a nonjury trial, depending upon whether there is a right to a jury trial and a proper request for such a trial. The only difference is that the magistrate judge – and not the district judge – would preside over that trial. Cases that proceed for all purposes before a magistrate judge generally move more quickly than cases before a district judge. If all parties consent to proceed before the magistrate judge, the district judge plays no further role in the case. Any appeal is taken directly to the Court of Appeals. It is your choice whether or not to consent to proceed before the magistrate judge.

A copy of the appropriate consent form is attached. Additional forms are also available from the Pro Se Intake Unit and on the Court's website.

500 PEARL STREET | NEW YORK, NY 10007  
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

PRO SE INTAKE UNIT: 212-805-0175